



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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PLANNING COMMISSION

TUESDAY, APRIL 13, 2004

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA

COMMISSIONERS

CHAIR JOSEPH H. MUELLER
VICE-CHAIR CHARLES D. WESTON
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER ROBERT J. BENICH
COMMISSIONER ROBERT ENGLES
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER RALPH LYLE

REGULAR MEETING - 7:00 P.M.

*** A G E N D A ***

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*

- *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES: March 23, 2004

OTHER BUSINESS:

1. **TEMPORARY USE PERMIT, TUP-04-05: FOOTHILL-THE INSTITUTE:** Review of a preliminary decision of the Community Development Director to approve a Temporary Use Permit (TUP) to allow limited use and maintenance of an existing 128 acre golf course pending completion of the Project Environmental Impact Report (EIR) and consideration of a Planned Unit Development (PUD) zoning amendment application for the existing development. The project is located at 14830 Foothill Avenue, on the east side of Foothill Avenue at East Middle Avenue. APN: 825-30-007 & 825-29-045

Recommendation: Discussion/Receive comments.

OLD BUSINESS:

2. **APPROVAL OF THE FINAL AWARD OF THE FY 2005-06 BUILDING ALLOTMENT TO PROJECTS THAT COMPETED IN THIS YEAR'S (2003) SMALL PROJECT AND MICRO PROJECT COMPETITIONS:**

Recommendation: Adopt Resolution Nos. 04-37 (small projects); and 04-38 (micro projects).

3. **ZONING AMENDMENT, ZA-04-01/SUBDIVISION, SD-04-01/DEVELOPMENT AGREEMENT, DA-04-01: TILTON-GLENROCK:** A request to amend the precise development plan for the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave. The proposed amendment would allow for 107 single family detached homes. Also requested is the approval of a 79 lot subdivision map and development agreement for a 27 acre portion of the 67 acre Capriano project. (APN 764-9-06, 16, 17, 32 & 33)

Recommendation: Reconvene Public Hearing/Continue to April 27, 2004.

NEW BUSINESS:

4. **ZONING AMENDMENT, ZAA-01-05/USE PERMIT, UP-04-02: MONTEREY-SOUTH VALLEY DEVELOPERS/GATEWAY CENTER:** A request for an amendment to the approved mixed use office/retail Planned Unit Development on a four-acre site located at 18605 Monterey Rd. at the intersection of Cochrane Road and Monterey Road. The applicant also requests approval of a use permit for a coffee shop with a drive-thru (APN 764-10-004).

Recommendation: Open Public Hearing/Adopt Resolution Nos. 04-39 (zoning amendment); and 04-40 (use permit), with recommendation to forward the zoning amendment request to the City Council for approval.

LEGALLY NOTICED PUBLIC HEARINGS

APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE AFFORDABLE COMPETITION UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM, PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:

5. **MEASURE P, MP-04-01: E. CENTRAL-SOUTH COUNTY HOUSING:** A request for Residential Development Control System (Measure P) affordable building allocations for Fiscal Year 2005-2006. The project consists of 16 residential dwellings on a 2.15-acre site located north of E. Central Avenue, between McLaughlin Avenue and the Southern Pacific Railroad tracks. Seven of the 16 units have already been allocated to the project; therefore, the applicant is requesting nine additional allotments to complete development of the site. (APNs 726-24-023 & -024)
6. **MEASURE P, MP-04-02: MONTEREY-SOUTH COUNTY HOUSING:** A request for Residential Development Control System (Measure P) affordable building allocations for Fiscal Year 2005-2006. The project consists of 68 residential dwellings, including 16 replacement units, on a 4.8-acre site located north of Wright Avenue, between Del Monte Avenue and Monterey Road. (APNs 764-12-008, -009, 018, & -19)

Recommendation: Open Public Hearing/Adopt Resolution No. 04-41, awarding allocations for the FY 2005-06 Affordable Competition.

OTHER BUSINESS:

7. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) SUBCOMMITTEE RECOMMENDATIONS:**

Recommendation: 1) Review Subcommittee's recommended changes; and
2) Direct staff to prepare draft ordinance for adoption by City Council.

8. **MULTI-FAMILY VACANCY RATE REPORT:** Bi-annual review of apartment vacancy rate as required in accordance to the Morgan Hill Municipal Code, Chapter 17.36.

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Recommendation: Approval of report by minute action, with recommendation to forward to City Council for approval.

INFORMATION ITEM: EIR Consultant's analysis of Technical Information concerning the Institute Golf Course.

TENTATIVE UPCOMING AGENDA ITEM FOR THE APRIL 27, 2004 MEETING:

- ZA-04-01: Tilton-Glenrock
- SD-04-01: Tilton-Glenrock
- DA-04-01: Tilton-Glenrock
- SD-03-09: Native Dancer-Quail Meadows
- DA-03-09: Native Dancer-Quail Meadows
- RDCS Quarterly Report

ANNOUNCEMENTS:

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code

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of Civil Procedure.

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